

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | Case No.: 5:18 CR 581 |
| |) | |
| Plaintiff |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| v. |) | |
| |) | |
| TIMOTHY G. SIMMS, |) | |
| |) | |
| Defendant |) | <u>ORDER</u> |

This matter was before the court on January 19, 2022, for a supervised release violation hearing, upon the recommendation of the Pretrial Services and Probation Officer. Defendant Timothy G. Simms was present and represented by Assistant Federal Public Defender Khalida Sims. The United States was represented by Assistant United States Attorney Colleen Egan. The Pretrial Services and Probation Office was represented by Donald Stranathan. The court reporter was Donnalee Cotone.

This case was previously referred to Magistrate Judge David A. Ruiz to conduct the appropriate proceedings, except for sentencing, and to prepare a Report and Recommendation regarding the violation report submitted to the court. The Defendant admitted to violations 1 through 8, contained in the report dated October 29, 2021. Magistrate Judge Ruiz issued a Report and Recommendation to this court finding that the Defendant has violated the terms and

conditions of his Supervised Release. Defendant was ordered detained pending sentencing before this court.

The court has reviewed the Magistrate's Report and Recommendation and finds that it is well-supported. The Defendant has admitted to the violations as charged in the October 29, 2021 violation report. As a result, the court finds that the Defendant has violated the terms of his Supervised Release.

The court has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) on the open record and hereby adopts the Magistrate's Report and Recommendation (ECF No. 39.) Based on this court's review of all relevant factors, the court hereby orders that the Defendant's supervised release is revoked. Defendant is sentenced to a term of 75 days custody of the Bureau of Prisons, with credit for time served since December 9, 2021. Upon release from prison, a 1 year term of supervised release shall follow, with the first 3 months to be served in a half-way house, at the discretion of the Probation Officer. The same terms and conditions of supervised release as previously imposed shall apply, including substance abuse testing and/or treatment, mental health testing and/or treatment, and cognitive behavioral therapy. To the extent the aforementioned testing and/or treatment can be provided at the half-way house, it should be. If said testing and/or treatment cannot be provided at the half-way house, it shall begin once Defendant is released from the half-way house. Defendant shall remain in the custody of the Bureau of Prisons until Officer Stranathan can secure half-way house placement for Mr. Simms. Defendant was advised of his right to appeal.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

January 19, 2022